

VZCZCXRO6313
OO RUEHROV
DE RUEHNR #1168/01 1621154
ZNY CCCCC ZZH
O 111154Z JUN 09
FM AMEMBASSY NAIROBI
TO RUEHC/SECSTATE WASHDC IMMEDIATE 9798
INFO RUCNIAD/IGAD COLLECTIVE
RHMFISS/CJTJF HOA
RUZEFAA/CDR USAFRICOM STUTTGART GE
RUZEFAA/HQ USAFRICOM STUTTGART GE

C O N F I D E N T I A L SECTION 01 OF 02 NAIROBI 001168

SIPDIS

AF/E FOR SUSAN DRIANO

E.O. 12958: DECL: 05/11/2019
TAGS: [PGOV](#) [PREL](#) [KDEM](#) [KE](#)
SUBJECT: KEY PARLIAMENTARIAN PESSIMISTIC ON REFORMS, SEEKS
U.S. SUPPORT TO CREATE NEW POLITICAL FORCE

REF: A. NAIROBI 1101
[1](#)B. 08 NAIROBI 1692

Classified By: Ambassador Michael E. Ranneberger for reasons 1.4 (B and D)

SUMMARY

[1](#)1. (C) Poloff met on June 2 with Dr. Boni Khalwale, the Chair of the Kenyan Parliament's Public Accounts Committee (PAC), a key watchdog committee. Khalwale has used his position as a bully pulpit, asking tough questions of the Grand Coalition government and gaining a measure of popularity in the process. Khalwale told poloff that he expected to be re-elected as Chair of the PAC after parliamentary committees are reconstituted, a process currently underway. Furthermore, he stated that he and former Minister of Justice Martha Karua had agreed to join efforts in parliament to hold the government accountable. Khalwale was pessimistic that the grand coalition government would pursue significant constitutional reform. He argued that key members of the grand coalition were pursuing their own political and economic interests to the detriment of the reform agenda. Khalwale welcomed the Ambassador's continuing engagement to help coalesce youth, civil society, and the private sector to push the reform agenda. However, Khalwale said some reformist parliamentarians, naturally including himself, want to join this effort -- which we welcome. End Summary.

Background

[1](#)2. (U) Poloff met on June 2 with Dr. Bonny Khalwale (ethnic Luhya, New Ford-Kenya party), the Chair of the Kenyan Parliament's Public Accounts Committee (PAC). Khalwale is in his second-term as a member of parliament (MP) representing Ikolomani constituency, in Western Province. Khalwale was first elected to parliament in 2002 on the ticket of President Kibaki's then-political vehicle, NARC. However, sensing the shifting political winds in Western Province, Khalwale resisted entreaties by Musalia Mudavadi, the Luhya's lead political figure, to join the Orange Democratic Movement (ODM). Instead Khalwale joined up with the non-aligned New FORD-Kenya party and successfully defended his seat. He is a surgeon by profession. Unlike many prominent Kenyan politicians, Khalwale was raised in poverty and this background and his direct approach to politics appeal to ordinary Kenyans.

Keeping the Coalition Honest

[1](#)3. (C) Khalwale told poloff that he had used his position as

Chair of the PAC as a bully pulpit to try to keep the grand coalition government honest. (Note: The PAC is one of four key watchdog committees in the Kenyan Parliament. Under Kenya's parliamentary system, watchdog committees are chaired by opposition members. Currently there is no official opposition, but Khalwale's New Ford-Kenya party is not aligned to either side of the grand coalition government. End Note.) Indeed he has made his reputation by asking difficult questions of Ministers on both sides of the grand coalition government. For example, in June 2008 Khalwale questioned then-Minister of Finance Amos Kimunya on his role in the sale of a luxury hotel. The resulting furor eventually resulted in Kimunya's resignation (Reftel B). More recently, he questioned discrepancies in the supplementary budget, embarrassing Minister of Finance/Deputy Prime Minister Uhuru Kenyatta. Khalwale stated that he'd received private criticism for this from MPs because he had exposed Parliament's failure to scrutinize the budget. Khalwale noted that the recently passed Fiscal Management Bill, which will increase Parliament's role in budget formulation, is awaiting the President's assent.

¶4. (C) Khalwale stated that his approach had made him few friends among the political elite, but that he had received much positive feedback from members of the public and civil society, with whom he frequently exchanges information. He told poloff that Parliament is currently reconstituting its committees in line with new standing orders (Rules of Procedure), adopted in December 2008. He thought that, if the PAC membership did not change drastically, he stands a good chance of retaining the Chair because the parliamentary committees elect their own Chairs. Khalwale welcomed a

NAIROBI 00001168 002 OF 002

recent Speaker's ruling refusing to allow ODM and Party of National Unity (PNU) members to chair watchdog committees in the absence of an official opposition. Khalwale thought (and other sources confirmed) the motion was aimed at stripping him of the PAC Chair. However, he thought that both the PNU and the ODM might try to nominate members to the PAC who would oppose his re-election as Chair.

Pessimism on Constitutional Reform

¶5. (C) Khalwale was pessimistic that the grand coalition government is capable of delivering serious constitutional reform, adding that both PNU and ODM are pursuing their own financial and political interests rather than pushing for serious constitutional reform. He stated that ODM was seriously conflicted about constitutional reform. Backbenchers stand by ODM's 2007 campaign platform to devolve power to the provinces. However, many ODM (and PNU) political figures in the grand coalition have presidential aspirations in 2012 and the status quo, with its strong presidential structure, suits their needs, according to Khalwale. He expected that the grand coalition government would implement modest institutional reforms (and mentioned police and judicial reform as examples) to convince the international community that it was making progress.

Working for Reform

¶6. (C) Khalwale noted that he was working with former Minister of Justice Martha Karua to maintain pressure in Parliament for the government to implement reforms. He supported the Ambassador's continuing efforts to energize youth groups and civil society to press for reform (Reftel A). He thought that the situation today is similar to that Kenya faced in the early 1990s, when Khalwale was a student leader pushing for multi-party democracy. He said reform-minded parliamentarians will work with the Ambassador to press for reform -- which we welcome. (Note: We are extensively engaged in outreach to reformist elements of Parliament. End Note.)

Comment

17. (C) Khalwale is a politician worth watching. His strong performance as Chair of the PAC has prevented the grand coalition government from being too complacent, despite the absence of an official opposition. He has a sharp mind and smooth manner that allows him to build networks. However, Khalwale is not a idealist and knows the darker side of Kenyan politics: he was fined in the runup to the 2007 election by the now-defunct Electoral Commission of Kenya for hiring a youth gang to intimidate a rival candidate's supporters. However, his willingness to take on vested interests and talk truth to power has gained him a political appeal that crosses ethnic lines, making him a potentially useful ally to galvanize public support for the reform agenda. End Comment.
RANNEBERGER